#### Approved 2/4/2010

# Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, January 7, 2010, 7:00 p.m. Council Chambers, 26379 Fremont Road

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Clow and Commissioners: Collins, Harpootlian, Abraham, and

Partridge.

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole

Horvitz, Assistant Planner; and Victoria Ortland, Planning Secretary.

2. PRESENTATIONS FROM THE FLOOR – None.

#### 3. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioners Harpootlian and Partridge met with Ted Larson, applicant (Item 3.2). Commissioner Harpootlian and Collins met with Brent Bilger, applicant (Item 3.3). Chairman Clow and Commissioner Harpootlian spoke with Terry Szewczyk, Civil Engineer (Item 3.1).

Chairman Clow, at Commissioner Collins' request, asked for Item 3.2, LANDS OF LARSON, to be presented as the opening Public Hearing and the remainder of the agenda be heard as printed.

3.2 LANDS OF LARSON, 24044 Oak Knoll Circle; File #241-08-ZP-SD-GD; A request for a Site Development Permit for a 1,858 square foot bunker and a 210 square foot lower floor addition. CEQA Review: Categorical Exemption per Sections 15301 & 15304 (Staff-Brian Froelich).

Brian Froelich, Associate Planner, explained that the Town's Basement Ordinance required the request for the proposed bunker be heard by the Planning Commission. The bunker would be located north of the residence under the existing driveway. Other aspects of the project included an addition to the lower floor of the house, modification to decks, and a below grade walk-out light well with stairs that ascend to grade.

#### OPENED PUBLIC HEARING

John Freel, designer, asked the Planning Commission to approve the requested Site Development Permit.

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Commissioner Partridge asked if adequate parking would be available during the construction stage and if the adjoining neighbor had any concerns regarding the truck traffic for hauling the soil off the site.

John Freel said there was an area available, onsite, for parking during construction and the neighbor was aware of the plans to transport the soil; the neighbor had no problems with the project.

#### **CLOSED PUBLIC HEARING**

Commissioners Partridge, Abraham, Harpootlian, Collins, and Chairman Clow supported the project.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion made by Commissioner Partridge and seconded by Commissioner Collins to approve the requested Site Development Permit subject to the conditions of approval in attachment 1.

AYES: Commissioners: Abraham, Collins, Harpootlian, Partridge, and Chairman Clow

NOES: None

This item is subject to a 22 day appeal period and will be forwarded to a future meeting of the City Council.

3.1 LANDS OF NASHASHIBI, 28008 Laura Court; File #114-09-ZP-SD-GD; A request for a Site Development Permit for a 6,313 square foot two story new residence with a 3,264 square foot basement, a 591 square foot bunker, a 648 square foot swimming pool, removal of heritage oak trees, and grading policy exceptions. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (Staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for the proposed two story new residence with Grading Policy exceptions and removal of two heritage oak trees. The vacant lot (except for an existing driveway) is on the south side of Laura Court. A portion of the new residence's basement would be a bunker, located under the courtyard at the back of the house. A pool and spa are planned for the front of the house. Setbacks were increased to allow for the 30' height of the structure. The two heritage oak trees proposed for removal include tree #6 (near the driveway) and tree #27 (located in the proposed fire truck turn-around). Also, severely impacted by the grading would be oak trees #26 and #28. Staff recommendation was for tree replacement at a three to one ratio with 48" box oaks for the four trees. The requested Grading Policy exception was for a cut of 8 feet for the basement, 12 feet for the house, up to 9 feet for the fire truck turn around, and 6 feet of fill. Two letters had been received from neighbors regarding repairs to the street, exterior colors of the structure, and removal and replacement of the heritage oak trees.

Commissioner Collins asked for clarification on the requested amount of fill.

Nicole Horvitz replied that the fill location was only in one area and would cover 125 square feet.

Chairman Clow said that it appeared that the front of what is mostly basement is actually not basement because it is above the natural topography. It is a three story façade, not a daylighted basement.

Staff explained that most of the lower floor was considered a basement except for the portion at the front part that was counted as floor area.

Commissioner Partridge thought there were two issues to consider, counting the floor area and whether or not it is a daylighted basement. The house angles toward the road and will appear as a three story façade, with a basement entrance, at the front of the house from the road.

#### OPENED PUBLIC HEARING

Chip Nilsen, architect, explained the constraints of the site, the existing driveway, and the characteristics of some of the heritage oak trees. The driveway would be abandoned to relieve some stress on the oak trees and prevent vehicle noise and headlights from sweeping across the neighboring properties. The proposed driveway would come up more directly through the center of the site. Heritage oak tree #6 was heavily impacted by the pruning done by PG&E; it is growing next to a utility pole and under the overhead power lines. Heritage oak tree #27 has two trunks and may split; removal was recommended by the arborist. The arborist's report included recommendations for the health of heritage oak trees #26 and #28; those recommendations will be followed. The Grading Policy exception was directly related to the preservation of heritage oak trees #36 and #37. Separate areas of native plantings and formal gardens are planned for the site. Major efforts had made, in designing the new residence, to bring it down and set it into the site.

Chairman Clow commented about the color and potential for light reflectivity of the new house.

Staff said that a condition of approval regarding the light reflectivity of the residence could be specified by the Planning Commission.

Commissioner Collins asked Mr. Nilsen if the existing driveway met Fire Department standards and could be used, or if the redesign and new location of the fire truck turn around was in response to Fire Department requirements.

Chip Nilsen explained that moving the driveway that wrapped around the site presented the opportunity to minimize the impact on the site and utilize the fire truck turn around for auto movement. The current driveway layout could not be used with the design of the project. The old driveway does connect to the existing fire truck turn around, in the back corner of the lot, but passes under a heritage oak tree. Eliminating that stretch of driveway and moving the fire truck turn around to a more appropriate location made more sense in terms of development. It also helped to improve the health of the oak tree.

Commissioner Collins pointed out that the proposed driveway put heritage oak tree #26 at risk because the drive would be under the drip line of the tree. Construction is not usually allowed within the drip line of heritage oak trees.

Chip Nilsen said work had been done with the arborist to determine what a reasonable distance from tree #26 would be. He would hold to the arborist's recommendations of within ten feet for survivability of the tree. He thought the marked tree drip lines on the engineer's topographic map were inaccurate.

Commissioner Collins requested verification of the actual drip line locations for the trees. The proposed driveway was an improvement for the neighbors by removing the nuisance caused by vehicle headlights. While looking at the drawings, she saw the proposed residence as a three story house. The presentation slides do not show the house at the same angle as the plans. From many viewpoints the house does appear to have three stories.

Chip Nilsen said that instead of piling dirt up long the house, the design of the house was working with the site to create the daylighted basement.

Commissioner Harpootlian asked if any of the retaining walls exceeded four feet in height.

Chip Nilsen answered that uphill, behind the main entry, was a section of retaining wall over four feet.

Commissioner Partridge said that the drip line of tree #39, near the corner of the pool, extended over the construction zone and tree #35 would have an eight foot cut into the drip line.

Chip Nilsen replied that the arborist reported that the drip line of tree #35 was artificial because of the creep of the land had pushed the tree over. Once the story poles were erected, the drip line issue was discovered about tree #39. He reviewed moving the house and pool five feet to the south, to open up that area and alleviate the situation. The arborist reported that trees #39, 40, 30, 26, and 28 were in need of pruning and maintenance.

Commissioner Partridge asked if the marked trees along the driveway were going to be removed. The trees provide screening for the construction of the new residence for the neighbors.

Chip Nilsen said the eucalyptus trees would be removed and the other trees were undesirable.

Commissioner Partridge requested clarification on the area of 20 foot cut along the driveway

Terry Szewczyk, Civil Engineer, explained that the 20 feet of cut was primarily to remove fill that had been deposited on the site as well as native material that is expansive. The soil burden is being removed to leave finish grade up above the basement and the terraced walls.

Commissioner Harpootlian asked for confirmation that the gray area shown on the plans was not natural grade.

Debbie Pedro, Planning Director, pointed out that the excessive cut, in the area shown in gray, on the submitted engineering plans (section B-B of page C-5, Profile and Section Plan, dated 11-30-09) did represent the natural grade of the site, was native soil, and not imported fill.

Chip Nielson explained that certain areas of the site had been regraded and benched when the former residence was demolished.

Devendra Kumar, Laura Court, welcomed the Nashashibi family to the neighborhood. As owner of the adjacent home, he requested that the hours of construction be followed during the building of the new residence. He wanted his family's privacy taken into account with the design of the new house. He was concerned that the removal of the trees, near the common property line, would increase erosion and storm water run-off.

Chairman Clow asked Mr. Kumar if he wanted the trees retained for screening during the construction period and if the oak tree at the utility pole should be removed.

Devendra Kumar said he would like the trees preserved during construction to provide screening; and also after construction to help prevent soil erosion on the steep slope. He had observed that an existing drain on the property appeared to be clogged. He did not want the oak tree at the utility pole removed.

Commissioner Harpootlian confirmed, with Chip Nielson, that all storm water would be contained on the site and that the new driveway material would be permeable concrete.

#### **CLOSED PUBLIC HEARING**

Commissioner Harpootlian supported the application and liked the design of the house. There was no neighbor opposition and the new structure would not be overly visible off-site. He thought the landscape screening application should be reviewed by the Planning Commission.

Commissioner Collins felt the proposed driveway changes were an improvement over the existing configuration. The neighbors (Kumar) did not realize that the placement, size, and design of the new residence would not protect their privacy. The lot was constrained by shape and slope. Grading exceptions may be granted for required fire truck turn-around areas, but shouldn't be for self imposed hardships created by plan design. She did not support the project and asked the applicant to return with a plan that conformed to the Town's ordinances.

Commissioner Abraham supported the project, felt the optimal building location had been chosen for the site, and the style of the new residence fit in with the neighboring homes. Through the use of the grading, the structure would be pushed into the hill to reduce the overall appearance. He wanted additional conditions of approval required to address the light reflectivity value of the house, and repair of any damage to the road.

Commissioner Partridge felt staff's concerns with the application were legitimate, and could not support the project. The extent of the grading was excessive and the house was too large for the lot. The house, with the three story façade and wall in front, was very visible to the surrounding properties, open space, and was fronting the road. He did not support the project.

Chairman Clow appreciated the effort taken to preserve the heritage oak trees on the site. He felt the design of the courtyard and pool area made the lower story of the structure less visible. The front of the house didn't quite face the road and the lower floor was a daylighted basement. He supported the project because he liked the design. The trees along the driveway, except the eucalyptus, should be kept until the end of the project to provide screening and erosion protection. The heritage oak tree at the utility pole should be preserved. The light reflectivity of the new residence should be addressed.

Discussion ensued regarding oak tree #39 and the offer by Chip Nilson to move the house five feet to protect the tree.

MOTION MADE, AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Harpootlian, amended, and seconded by Commissioner Abraham to approve the requested Site Development Permit subject to the recommended conditions of approval in attachment #2; with the additional conditions of approval: the trees along the driveway shall remain during construction; heritage oak tree #6 at the utility pole shall be preserved; the exterior color of the structure shall meet 40/50 light reflectivity requirements; and minor modifications to the retaining walls of the pool area may be made with staff approval solely for the purpose of protecting heritage oak tree #39.

AYES: Commissioners: Abraham, Harpootlian, and Chairman Clow

NOES: Commissioners: Collins and Partridge

This item is subject to a 22 day appeal period and will be forwarded to a future meeting of the City Council.

3.3 LANDS OF BILGER, 25901 Vinedo Lane; File #142-09-VAR; A request for a Site Development Permit for a 598 square foot (46' L x 13' W x 5'6" H) ground mounted solar photovoltaic system and a Variance for the structure to encroach up to 21 feet within the rear property line setback. CEQA Review: Categorical Exemption per Section 15303(e) (Staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for the requested setback Variance. The applicant proposed installation of solar panels in the rear setback area, nine feet from the property line. An existing solar system, being used to produce heat for the swimming pool, was located on the roof, leaving insufficient area for additional solar panels. The septic leach field covers most of the back yard; the Santa Clara County Environmental Health Department will not allow solar array installation over a leach field. A letter of support had been received from the neighbor to the north (Bergh). An email from the neighbor to the south (Trayer) arrived also, requesting mitigation of the view of the panels with landscape screening. Staff recommended installation of a minimum of six, 15 gallon evergreen shrubs or trees along the common fence line. The plantings would also provide screening of the solar panels from Vinedo Lane.

#### OPENED PUBLIC HEARING

Kirk Newick, Horizon Energy Systems, explained the reasoning behind the selected location for the proposed solar panel array. He felt the added landscape screening would hide the panels completely from view. He asked the Planning Commission to approve the requested Variance.

Brent Bilger, applicant, explained the topography of his property near the Trayer's home.

Commissioner Abraham confirmed with Mr. Bilger that a 30'row of oleanders planted along the south property line was a possible option for the landscape screening.

#### **CLOSED PUBLIC HEARING**

Commissioners Partridge and Harpootlian supported the project and location of the proposed solar panels as long as adequate screening would be installed.

Commissioner Abraham supported the project and felt the solar panels would only be visible from the south and suggested planting a hedge of oleanders for screening.

Commissioner Collins supported the project and requested that detailed planting requirements be specified in the motion.

Chairman Clow supported the project and asked Brent Bilger for input on the type and placement of the screening.

Brent Bilger said that bushes are already planted along the fence on the south side of his property to approximately the oak tree. The screening needed for the solar panels would be in the area in view from neighbor's porch facing the solar array.

Sandy Humphries, Environmental Design and Protection Committee, suggested planting a fruiting tree instead of the oleanders for screening.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion made by Commissioner Abraham and seconded by Commissioner Harpootlian to approve the requested Site Development Permit and Variance subject to the conditions of approval in attachments 1 and 2, and add to condition of approval #5, "the applicant shall install screening with an appropriate number of evergreen plants between the two oak trees on the south property line with a minimum height of five feet at installation".

AYES: Commissioners: Abraham, Collins, Harpootlian, Partridge, and Chairman Clow

NOES: None

This item is subject to a 22 day appeal period and will be forwarded to a future meeting of the City Council.

3.4 LANDS OF FOOTHILL COLLEGE (APPLICANT: VERIZON WIRELESS), 12345 El Monte Road; File #134-09-CUP; A request for Conditional Use Permit renewal and modification to an existing/previously approved wireless communications facility. CEQA Review: Categorical Exemption per Section 15301(a) (Staff-Brian Froelich).

Commissioner Partridge recused himself from items 3.4 and 3.5.

Brian Froelich, Associate Planner, presented the staff report for the Conditional Use Permit renewal and modification application for a Verizon Wireless antenna and pole located at Foothill College. The existing facility was approved in 1996 and is situated on the northwest quadrant of the campus behind the observatory building. Three new panel antennas were proposed together with a new mounting system that would reduce the distance of the antennas from the pole to three feet. The existing mounting system has eight foot arms. The original conditions of approval for the CUP require the pole to be painted, but the pole had never been painted, and staff recommended that the painting be completed with this request.

Commissioner Harpootlian asked if screening could be planted to mitigate the visibility of the pole.

Commissioner Abraham suggested that if the pole was structurally sufficient, a request could be made to change it to a tree pole.

Commissioner Collins pointed out that the pole is in front of the observatory and obscuring the view through the telescope must be considered.

#### OPENED PUBLIC HEARING

Jason Osborne, representative for Verizon Wireless, said that he would be happy to answer any questions.

Commissioner Harpootlian asked Mr. Osborne about the installation of more landscape screening for the antenna.

Jason Osborne said that additional foliage could be planted around the base of the antenna after discussion with Foothill College regarding any possible effects on the observatory.

Chairman Clow asked Mr. Osborne about the possibility of changing the existing pole to a tree pole.

Jason Osborne replied that a tree pole would be wider, because of the tree canopy, and taller than the existing pole. The frame of the existing pole is not built for modification into a monopine, so the pole and concrete base would need to be replaced. It would take considerable time, expense, and coordination between all involved parties to tear down the existing pole and build a new one.

Commissioner Abraham confirmed with Mr. Osborne that the pole would be painted and maintained.

Chairman Clow felt that the existing pole was a particularly ugly pole and Verizon Wireless should be able to afford the expense to change it to a monopine.

#### **CLOSED PUBLIC HEARING**

Commissioner Collins supported the project.

Commissioner Harpootlian liked the idea of the tree pole.

Commissioner Abraham did not think replacing the existing pole with a tree pole was practical and would cause disruption at the site. He recommended the requirement of an annual evaluation of the appearance of the pole and correction made if warranted.

Chairman Clow said that Foothill College's comments on the option replacing the pole with a tree pole should be considered. He felt it was important for staff, in cooperation with Verizon, to describe to the City Council the implications and appearance of a tree pole installation. He wanted staff to contact the appropriate personnel at Foothill College for input and discussion of any issues that they may have concerning the observatory and a potential tree pole.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Harpootlian and seconded by Commissioner Abraham to forward a recommendation to the City Council to include both the staff's recommendation and the alternative of replacing the existing pole with a tree pole.

AYES: Commissioners: Abraham, Harpootlian, and Chairman Clow

NOES: Commissioner Collins RECUSED: Commissioner Partridge

Commissioner Collins explained that she voted no because of the request for a tree pole.

This item will be forwarded to a future meeting of the City Council.

3.5 LANDS OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT: VERIZON WIRELESS), 2350 Old Page Mill Road; File #133-09-CUP; A request for a Conditional Use Permit renewal and modification to an existing/previously approved wireless communications facility. CEQA Review: Categorical Exemption per Section 15301(a) (Staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for renewal and modification to an existing monopole, approved in 1997, on Old Page Mill Road abutting Highway 280. Five carriers are collocated on the pole. Verizon's request was to remove four flush mount antennas and replace them with six antennas that extend three feet out from the pole. The pole would be painted a darker color to blend in with the surrounding landscape and a 36" box evergreen tree will be planted for screening.

### OPENED PUBLIC HEARING

Jason Osborne, representative for Verizon Wireless, thanked the Planning Commission for reviewing the project and was available to address any questions.

Commissioner Harpootlian asked why the pole looked less imposing than the pole in Item #3.4.

Jason Osborne replied that the antennas on the top of the pole another carrier's type of technology and Verizon's panel directional antennas were located lower on the pole.

#### **CLOSED PUBLIC HEARING**

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion made by Commissioner Collins and seconded by Commissioner Harpootlian to forward a recommendation to the City Council to approve the requested modification and renewal of the Conditional Use Permit from five to ten years.

AYES: Commissioners: Collins, Harpootlian, Abraham, and Chairman Clow

NOES: None

RECUSED: Commissioner Partridge

This item will be forwarded to a future meeting of the City Council.

- 4. <u>OLD BUSINESS</u> None
- 5. <u>NEW BUSINESS</u> None

# 6. <u>REPORTS FROM THE CITY COUNCIL MEETINGS</u>

- 6.1 Planning Commission Representative for November 12 Commissioner Partridge
- 6.2 Planning Commission Representative for November 26 Cancelled
- 6.3 Planning Commission Representative for December 10 Commissioner Harpootlian
- 6.4 Planning Commission Representative for December 24 Cancelled
- 6.5 Planning Commission Representative for January 14 Commissioner Clow
- 6.6 Planning Commission Representative for January 28 Commissioner Partridge

# 7. <u>APPROVAL OF MINUTES</u>

7.1 Approval of November 5, 2009 minutes.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Harpootlian and seconded by Commissioner Collins to approve the November 5, 2009 minutes as presented.

AYES: Commissioners Abraham, Collins, Harpootlian, Partridge, and Chairman Clow

NOES: None

# 8. <u>REPORTS FROM FAST TRACK MEETINGS – NOVEMBER 24, DECEMBER 8, AND DECEMBER 22, 2009</u>

- 8.1 LANDS OF AVERY, 27071 Dezahara Way; File #136-09-ZP-SD-GD; A request for a Site Development Permit for a 6,718 square foot new residence with a 663 square foot basement (Maximum height 27'). CEQA Review: Categorical Exemption per Section 15303 (Staff-Cynthia Richardson) (Approved with conditions).
- 8.2 LANDS OF ZIOHANA 693, LLC, 14140 and 14160 Donelson Place; File #210-09-LM; A request for a Lot Merger to combine two (2) parcels located at 14140 and 14160 Donelson Place. The proposal will result in one (1), 2.149 acre parcel zoned Residential-Agricultural (R-A). CEQA Review: Categorical Exemption per Section 15305 (Staff-Brian Froelich) (Approved with conditions).
- 8.3 LANDS OF TOPRANI, 26630 Ascension Drive; File #119-09-ZP-SD; A request for a Site Development Permit for a 5,605 square foot single story new residence with a 2,762 square foot basement (Maximum height 23'). CEQA Review: Categorical Exemption per Section 15303 (a) (Staff-Nicole Horvitz) (Approved with conditions).

# 9. <u>REPORTS FROM SITE DEVELOPMENT MEETINGS – NOVEMBER 10, NOVEMBER 17, AND NOVEMBER 24, 2009</u>

- 9.1 LANDS OF ASKARINAM, 25838 Springhill Road; File #170-09-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a 9,125 square foot two story new residence with a detached second unit, tennis court, and swimming pool approved on January 2, 2007. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Nicole Horvitz) (Approved with conditions).
- 9.2 LANDS OF SHAKERNIA, 26630 Purissima Road; File #244-08-ZP-SD; A request for a Site Development Permit for a 1,118 square foot single story addition (maximum height 18'). CEQA review: Categorical Exemption per Section 15303 (a) (Staff-Nicole Horvitz) (Approved with conditions).
- 9.3 LANDS OF CRAWFORD, 25630 Elena Road; File #200-09-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a 895 square foot addition approved October 21, 2008. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Nicole Horvitz) (Approved with conditions).

9.4 LANDS OF GADIRAJU, 27880 Via Ventana Way; File #192-09-ZP-SD; A request for a Site Development Permit for a new 558 square foot sports court and a landscape screening plan for a 9,117 square foot two story new residence with a basement and swimming pool approved May 13, 2008. CEQA review: Categorical Exemption per Section 15304 (b) and 15303 (e) (Staff-Nicole Horvitz) (Approved with conditions).

# 10. <u>ADJOURNMENT</u>

The meeting was adjourned by consensus at 9:41 p.m.

Respectfully submitted,

Victoria Ortland Planning Secretary